

John Moses  
844 Carteret Ave  
Trenton, NJ 08618  
(609)-815-1977  
Per Se Pro

IN UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY

JOHN MOSES

Plaintiff,

vs.

HOME DEPOT INC, STORE  
MANAGER COLLINS POLYWACZ,  
ASSISTANT MANAGER LISA  
WALLACE, ASSISTANT  
MANAGER. JOHNATHAN  
DELAIRA AKA JD, HUMAN  
RESOURCE REP. CINDY,  
DEPARTMENT HEAD KYLE,  
DEPARTMENT HEAD EDWARD,  
DEPARTMENT HEAD JEANETTE  
AND ALL OTHER JOHN DOES

Defendant(s)

Case No.: No. 16-2400 PGS-DEA  
COMPLAINT  
DEMAND FOR JURY TRIAL

RECEIVED

APR 29 2016

AT 8:30  
WILLIAM T. WALSH  
CLERK

**Jurisdiction**

1. This court has jurisdiction under 28 U.S.C. § 1331. Federal question jurisdiction arises pursuant to Title VII of the Civil Rights Act of 1964.

**Venue**

2. Venue is proper pursuant to 28 U.S.C. § 1391 because the defendant does business in this district.

**Parties**

3. Plaintiff John Moses resides at 844 Carteret Ave., Trenton, New Jersey

1 08618.

2 4. Defendant Home Depot Inc, operate a business chain at 145 Levittown  
3 Parkway, Levittown, PA 19055 and the other Defendant currently are  
4 employed as employees and managers at (Levittown, PA 19055).

5 5. On or about May 11, 2015 approximately 1:40 pm, Plaintiff John Moses was  
6 approached by Assistant Manager JD on the sales floor in Garden/Seasonal and  
7 was asked to report to the back office. Once Plaintiff John Moses arrived in the  
8 office, Store Manager Collins was waiting for Plaintiff John Moses. Plaintiff John  
9 Moses was then advised by Store Manager Collins that there was a decision made  
10 to part ways, ending the Plaintiffs employment with the company, based on too  
11 many incidents.

12 6. On or about May 11, 2015 approximately 2:00 pm, Plaintiff John Moses  
13 employment with Home Depot was terminated by Store Manager Collins  
14 Polywacz. Plaintiff John Moses was an employee of the Defendant The Home  
15 Depot Company@ Home Depot Inc, store number 4163, at 145 Levittown  
16 Parkway, Levittown, PA 19055, since April 08, 2015.

17 7. On or about June 17, 2015 Plaintiff John Moses contacted the Home Depot  
18 Inc. Corporate office in Atlanta, GA for the purpose of requesting written  
19 explanation of his termination, home depot policies and procedures regarding  
20 termination and to request an investigation of his termination of employment. It  
21 was conveyed to Plaintiff John Moses by Corporate that he had the right to request  
22 and view the contents of his Personnel file; the ticket number for that call is  
23 19416207.

24 8. On or about June 22, 2015 Plaintiff John Moses following the instructions of  
25 the Corporate office of Home Depot Inc. he entered the Home Depot Inc. #4163 to  
26 utilize his right to request to see the contents of his Personnel file.

9. Plaintiff John Moses entered into the staff area of the store where he found

1 that the management staff were already in the HR office. Store Manager Collins,  
2 Assistant Manager Lisa and HR Rep. Cindy were gathered in the HR  
3 representative's office.

4 10. On aforesaid date, Plaintiff John Moses briefly spoke with Assistant  
5 Manager Lisa and presenting her with a copy of a prepared letter requesting the  
6 complete contents of his Personnel file, Assistant Manager Lisa read the notice and  
7 then immediately forwarded it to Store Manager Collins.

8 11. Store Manager Collins accepted and read the notice, upon reading the notice  
9 he asked plaintiff to return to the store the following morning to receive a printed  
10 copy of his personnel file.

11 12. On or about June 22, 2015, Plaintiff John Moses returned to Home Depot  
12 Inc. #4163 where he met with Store Manager Collins, at which time he was given  
13 by Store Manager Collins one paper document, described as a Progressive  
14 Disciplinary Notice. No other documentation from the plaintiffs personnel file was  
15 presented during this meeting. The plaintiff then requested all contents within the  
16 personnel file, and was advised that all the contents were sent to the corporate  
17 office of Home Depot Inc. in Atlanta GA. and was no longer in the possession of  
18 that store location #4163.

19 13. The document received by the plaintiff on June 22, 2015 stated that, plaintiff  
20 John Moses had demonstrated a pattern of disrespectful and inappropriate  
21 behavior, committing a violation of the Acceptable Workplace Conduct and SOP  
22 (Standard of Procedure).

23 14. After receiving verbal communication, by store manager Collins that  
24 plaintiffs personnel file had been forwarded to its corporate office, plaintiff then  
25 contacted the corporate office in Atlanta GA. to confirm that his file was sent to  
26 them and to request a copy of its contents. Plaintiff was then advised that the  
corporate office did not have or had never received any portion of his personnel

1 file, they claimed that they would at the time of the call open an investigation to  
2 located plaintiffs file and its contents, ticket number for call 19437624.

3 15. Upon investigating the Progressive Disciplinary Notice document, plaintiff  
4 John Moses contends that the statements contained bias and unfounded allegations  
5 that had no evidence statements, incident reports, names, accurate dates and times,  
6 write ups on the occasions that the alleged incidents occurred and no listed  
7 procedures or protocols that were documented prior to the incident leading up to  
8 the termination of employment. The claims supporting the cause why the plaintiff  
9 had been terminated had no accuracy related to time line and no verifiable  
10 evidence within the contents of the documentation given at the time request.

11 16. Plaintiff John Moses believes that his termination was a result of his initial  
12 entry into the Home Depot Inc Corporation during the pre-employment process. In  
13 which John Moses challenged the procedures contending that he was being denied  
14 employment based on race at the Home Depot Inc Store #4163.

15 17. Plaintiffs was continually harassed to the point of fatigue, asked by other  
16 department managers to perform task outside his department, including moving by  
17 hand one hundred bricks from one station to the next, a task that would normally  
18 be done using a forklift. When plaintiff refused task that was not a part of his job  
19 description he was subject to harsh words and verbal reprimands.

20 18. When plaintiff questioned the unfair treatment that he was receiving he was  
21 accused of having an intimidating tone and was again dismissed and made to feel  
22 like he was to be submissive to the unfair treatment of his fellow employees.

23 19. He was harassed by many of white co-workers who were nonmembers of  
24 management, and periodically order to do work by none management employees.

25 20. Other incidence included being yelled at by a white co-worker and followed  
26 around the sales floor for utilizing a Bluetooth device in his ear while on a  
scheduled break.

1 21. During the course of plaintiffs employment serious incidence including a  
2 similar incident in which plaintiff was terminated for occurred by white co-workers  
3 that did not carry any serious consequence.

4 a. Co-worker writing on another co-workers company issued apron the  
5 words "Dick head"

6 b. Co-worker destroying company property due to negligence.

7 22. None of the above incidence resulted in termination or reprimand by  
8 management staff and in both cases the employees were white.

9 **Claim I**

10 (Violation of Title VII of the Civil Rights Act of 1964, as amended because of my  
11 race (Black)

12 (Title VII of the Civil Rights Act of 1964/42 U.S.C. § 1983)

13 23. Plaintiff realleges paragraphs 1 through 17.

14 24. By doing the acts described above in Paragraph 6 thru 17, Defendant  
15 caused and/or permitted the violation of Plaintiff's Title VII of the Civil Rights Act  
16 of 1964 rights to be free from harassment and discrimination based on race  
17 (Black), thereby entitling Plaintiff to recover damages pursuant to 42 U.S.C. §  
18 1983.

19 **Request for Relief**

20 WHEREFORE, the plaintiff requests: \$750,000.00 and

21 25. Compensatory damages, including general and special damages,  
22 according to proof;

23 26. Any further relief which the court may deem appropriate.

24 **Demand for Jury Trial**

25 27. Plaintiff hereby requests a jury trial on all issues raised in this complaint.  
26

Dated: April 29, 2016

By: John Moses  
Plaintiff in Pro Se